

# EU-U.S. and Swiss-U.S. Privacy Shield Arbitrator

David B. Wilson  
Sherman & Howard, LLC

**Current Employer-Title** Sherman & Howard L.L.C. - Member

**Profession** Arbitrator, Attorney, Solicitor

**Work History** Member, Sherman & Howard L.L.C., 2013 - Present; Partner, Holme Roberts & Owen LLP/Bryan Cave HRO, 1993 - 2013; Associate, Holme Roberts & Owen LLP, 1986 - 1992.

**Experience & Expertise in U.S. Privacy Law and EU Data Protection Law** *U.S. Privacy Law.* For over 20 years, Mr. Wilson has helped clients to comply with their obligations under U.S. privacy laws, including: (1) advice on federal laws concerning privacy (*e.g.*, Electronic Communications Privacy Act, Fair Credit Reporting Act, and Family and Medical Leave Act); (2) drafting policies for compliance with state laws on internet privacy and data protection (*e.g.*, California Online Privacy Protection Act); (3) advice concerning obligations under state statutes related to privacy in employment; (4) drafting policies related to privacy in employment; (5) advice on the unauthorized disclosure of confidential employee information and the protection of trade secrets and other confidential information; (6) drafting policies and contracts to protect trade secrets and other confidential information; (7) as arbitrator and advocate, drafting orders to protect trade secrets and other confidential information and addressing compliance with those orders; (8) developing procedures to manage confidential information in arbitration and litigation matters; (9) handling disputes involving common law privacy torts; (10) handling disputes involving misappropriation of trade secrets and other breaches of obligations concerning confidential information; and (11) handling disputes regarding misappropriation of online identity (*e.g.*, creating deceptively-similar websites to fraudulently obtain information from consumers who believe that they are dealing with someone else).

*EU Data Protection Law.* Since the mid-2000s, he has advised U.S. clients concerning their obligations under EU data protection law (including most recently, GDPR and Privacy Shield) and helped them to develop appropriate policies. Previously, he advised clients concerning their obligations under the EU Data Protection Directive, including the now-invalidated U.S. “safe harbor.” In addition, he has handled matters concerning e-commerce, misappropriation of online identity, and electronic payment processing.

**Experience & Training in Alternative Dispute Resolution** *Experience:* His practice focuses on international arbitration (advocate and arbitrator) and international litigation. He serves on the ICDR and AAA Panels (including Large Complex Case and the M&A and Joint Venture Panels). He has served as counsel, tribunal chair, co-arbitrator, and sole arbitrator in dozens of international and U.S. arbitrations, including matters under ICDR, AAA, UNCITRAL, ICC, and other rules.

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AAA-ICDR Panelist – ID 157190

Note that the Arbitration Panel for EU-U.S. Privacy Shield Arbitrations was established by the EU and the U.S. Department of Commerce as specified in Annex I, section F. of the Privacy Shield Framework. Accordingly, unless specified otherwise in their biographical information, arbitrators on the list of Privacy Shield arbitrators are not members of the AAA-ICDR’s roster of arbitrators. All information contained in this resume has been provided directly by the arbitrator in connection with their potential selection for Privacy Shield arbitrations.

He has served as arbitrator (chair, panelist, and sole arbitrator) more than 40 times in international and U.S. disputes.

*Training:* AAA/ICDR/AAA Mediation.org Panel Conference, 2019; AAA Arbitrator Performance and Demeanor - Meeting Participant Expectations (ACE18); ACE 14 ~ Red Flags & Risk Areas: Challenges to Arbitrator Authority, 2017; ACE 13 - Dealing with Difficult Attorneys in Arbitration, 2016; AAA Key Issues to Consider Regarding Domestic and International Arbitration, 2015; AAA Principled Deliberations, 2014; AAA Challenges at the Preliminary Hearing (ACE006), 2013; ICDR International Symposia in Advanced Case Management Issues, 2012; AAA Managing the Arbitration Process for Efficiency & Economy Following the Preliminary Hearing, 2012; AAA Charing an Arbitration Panel: Managing Procedures, Process & Dynamics (ACE005), 2012; AAA Dealing With Delay Tactics in Arbitration (ACE004), 2012; AAA Arbitrator Ethics & Disclosure (ACE003), 2012; various other arbitration seminars and courses.

**Professional Licenses** Admitted to the Bar, Colorado and as Solicitor of the Senior Courts, England and Wales.

**Professional Associations** Fellow, American Bar Foundation; Member, American Law Institute; Fellow, Chartered Institute of Arbitrators (Chair, Rocky Mountain Chapter, North American Branch); Member, Christian Legal Society; Member, Federalist Society; Member, ICC Commission on Arbitration and ADR (Co-Chair, Task Force on Information Technology in International Arbitration and Task Force on Expertise; Vice Chair 2013-2017); Member, International, American, Colorado and Denver Bar Associations; Member, ICCA; Member, Law Society of England and Wales; Senior Fellow, Litigation Counsel of America; Chair, Rocky Mountain Subcommittee, U.S. Council for International Business Arbitration Committee.

**Education** The University of Texas Law School (JD, with high honors-1986, Order of the Coif); The University of Texas at Austin (BA, with highest honors-1983; Plan II Honors Program; Phi Beta Kappa).

**Languages** English

**Publications, Speeches & Testimony** *Publications:* Co-author, “An Updated Overview of Issues to Consider when Using Information Technology in International Arbitration,” ICC INTERNATIONAL COURT OF ARBITRATION BULLETIN (April 2017); and various other articles. *SPEECHES:* Panelist, “Cybersecurity and Data Protection in International Arbitration: Practical Suggestions for Case Management and Compliance,” Practising Law Institute One Hour Briefings (October 2018); Moderator and Panelist, “Technology and ADR—The Risks and Opportunities,” at conference sponsored by Chartered Institute of Arbitrators, London, England (November 2017); “Cybersecurity in International Arbitration,” conferenced sponsored by ICC International Court of Arbitration, New York, NY (September 2017); various other speeches and presentations.

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